

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 vs.

7 THOMAS M. BIDEGARY,

8 Defendant.
9

Case No.: 3:17-cr-00073-RCJ-WGC

MINUTES OF PROCEEDINGS

April 3, 2018

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12 PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

13 DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

14 COUNSEL FOR GOVERNMENT: Carla Higginbotham (present)

15 COUNSEL FOR DEFENDANT: John Arrascada (present)

16 PRETRIAL SERVICES OFFICER: Misty Sanchez (present)

17
18 **MINUTES OF PROCEEDINGS: Continued Initial Appearance re: Petition for Violation**
19 **of Conditions of Pretrial Release**

20 1:47 p.m. Court convenes.

21 The defendant is present in custody with counsel.

22 The court inquires if the parties have any objection to addressing the government's
23 request for revocation of defendant's pretrial release order and bond (ECF No. 22) in conjunction
24 with today's initial appearance on the petition for violation of conditions of pretrial release
25 (ECF No. 18).
26

27 No objections stated.
28

1 The court proceeds to conduct the initial appearance. The defendant
2 Thomas M. Bidegary is advised of the petition for action on conditions of pretrial release
3 (ECF No. 18). The defendant states he has been provided a copy of the petition.
4

5 The court grants a brief recess at counsels' request.

6 Court is in recess at 1:58 p.m.

7 The court reconvenes at 2:07 p.m.

8 The court and parties return to the initial appearance regarding the petition for action on
9 conditions of pretrial release. The defendant is sworn in by the clerk.
10

11 Mr. Bidegary admits to the violating conditions of pretrial release and **ADMITS** to the
12 following:

- 13 • the defendant opened a new bank account on February 21, 2018; and
- 14 • the defendant opened a new bank account on March 7, 2018.

15 At the request of the government, the following cause presented in the petition is
16 **DISMISSED:**
17

- 18 • the defendant opened a new line of credit on January 15, 2018.

19 The court next addresses the matter of detention in conjunction to the government's
20 motion for revocation of pretrial release order and bond (ECF No. 22).
21

22 The government moves for detention based on the arguments made in its brief
23 (ECF No. 22) and the statements made in the petition (ECF No. 18).

24 Pretrial Services recommends detention.

25 Pretrial Services Officer Misty Sanchez is asked to take the witness stand and answer
26 questions. The court makes inquiry regarding the sequence of events that led to the petition
27
28

1 being filed by Pretrial Services. Mr. Arrascada makes further inquiry regarding the personal
2 recognizance bond (ECF No. 11).

3 Defense counsel next addresses the government's motion for detention and argues for
4 defendant's continued release on a personal recognizance bond with conditions. The court notes
5 that defendant filed a written response to the government's motion at ECF No. 24; however, the
6 objection to the motion did not include recommendations for additional conditions should the
7 defendant be released. Mr. Arrascada addresses the court's inquiry.

9 Ms. Higginbotham makes additional recommendation to the conditions of release should
10 the court release Mr. Bidegary.

12 After consideration, the government's motion for revocation of pretrial release order and
13 bond (ECF No. 22) is **DENIED**. The defendant is released on the current personal recognizance
14 bond (ECF No. 11) with the additional following conditions:

- 15 1. The defendant shall submit to polygraph examination regarding accounts at the
16 request of Pretrial Services.
- 17 2. The defendant shall participation in following location monitoring program and
18 abide by its requirements as Pretrial Services or the supervising officer instructs.
 - 19 i. Home Detention. The defendant is restricted to his/her residence
20 at all times expect for employment; education; religious services,
21 medical, substance abuse or mental health treatment; attorney
22 visits, court appearances; court-ordered obligations; or other
activities pre-approved by Pretrial Services or the supervising
officer.
 - 23 3. The defendant shall submit to the following type of location monitoring
24 technology and abide by all the program requirements and instructions provided
25 by Pretrial Services or the supervising officer related to the proper operation of
the technology
 - 26 i. Global Position Satellite (GPS) monitoring.

4. The defendant shall pay all or part of the cost of the location monitoring program based upon his/her ability to pay as determined by Pretrial Services or the supervising officer.
5. The defendant shall disclose financial information as directed by Pretrial Services or the supervising officer related to the defendant's financial situation, the family's businesses and/or family trusts.
6. The defendant shall maintain residence at 3860 Amador Way, Reno, NV 89502, and may not move prior to obtaining permission from the court, Pretrial Services or the supervising officer.
7. The defendant shall not obtain additional financial accounts of any nature or modify existing accounts of any nature. This condition includes any accounts that are related to the family business.
8. The defendant shall advise Pretrial Services prior to the occurrence of any restructuring of financial accounts/trusts.
9. The defendant shall have no contact directly or indirectly with co-defendant(s) unless it is in the presence of counsel.
10. The defendant shall have no contact directly or indirectly with any person who is or may become a victim or potential witness in the investigation or prosecution.

The court notes that the additional conditions set forth today in the instant case shall be included in the matter of *USA v. Bidegary, et al*, Case No. 3:17-cv-00033-RCJ-VPC.

The defendant states for the record he understands the current and additional conditions of release and will comply with all conditions of release.

The defendant is **ORDERED** released after processing.

The defendant is further **ORDERED** to meet with the Pretrial Services Officer at 9:00 a.m. on Wednesday, 4/4/2018, at the Pretrial Services Office in Reno, Nevada, to secure the GPS monitoring devise.

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2 Court adjourns at 2:53 p.m.
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4 DEBRA K. KEMPI, CLERK OF COURT

5 By: /s/
6 Katie Lynn Ogden, Deputy Clerk
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